

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 6:12-cv-499 LED
	§	
v.	§	(LEAD CASE)
	§	
TEXAS INSTRUMENTS, INC.,	§	JURY DEMANDED
	§	
Defendant.	§	
<hr style="border: 0.5px solid black;"/>		
BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 6:12-cv-528 LED
v.	§	
	§	(CONSOLIDATED WITH LEAD CASE
THE ECHO NEST	§	NO. 6:12-cv-499 LED)
CORPORATION,	§	
	§	JURY DEMANDED
Defendant.	§	
	§	
	§	

NOTICE OF APPEARANCE OF COUNSEL

Marc J. Pensabene, of the law firm of Fitzpatrick, Cella, Harper & Scinto, 1290 Avenue of the Americas, New York, NY 10104-3800, hereby enters an appearance as counsel for Defendant The Echo Nest Corporation (“Echo Nest”), and consents to electronic service of all papers in this action.

Echo Nest has previously submitted an Answer in the Member Case, Civil Action No. 6:12-cv-528 LED, on November 6, 2012.

Dated: January 10, 2013

Respectfully submitted,

/s/ Marc J. Pensabene

Marc J. Pensabene
FITZPATRICK, CELLA, HARPER &
SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Tel: (212) 218-2100
Fax: (212) 218-2200
Email: mpensabene@fchs.com

Attorneys for Defendant
The Echo Nest Corporation

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 10, 2013.

/s/ Marc J. Pensabene

Marc J. Pensabene